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ABSTRACT

This document is a set of guidelines on how to conduct the self-evaluation required by Title IX, the amendment prohibiting discrimination on the basis of sex. Its purpose is to help school districts comply with the necessity to evaluate policies and practices by providing a data base for decision-making. The paper is divided into these sections: admissions, education programs and activities, access to courses, counseling and guidance, athletics, texts and instructional materials, and employment. Each section offers a four-step sequence. Step 1 asks the school system to identify all sources of information related to policies and practices in the district. Step 2 reduces the information to a quantitative form. Step 3 involves the comparing of the data from step 2 with the regulations to identify any discrepancies in the school system's practices. Step 4 involves the planning of specific action to remove discrepancies that will bring the district into compliance with Title IX regulations. (Author/LD)

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A GUIDE FOR TITLE IX SELF-STUDY

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Guidelines for Using the Self-Study

The self-study document has been written in response to inquiries from school districts on how to conduct the self-evaluation required by the Title IX (Education Amendments of 1972) Rules and Regulations Section 86.3 (c). These rules and regulations were published in the *Federal Register* on Wednesday, June 4, 1975. The authors of this document have written a set of guidelines to help districts comply with the necessity to evaluate policies and practices. ***The steps, tables and sequence of the enclosed materials have not been reviewed or approved by any agency officially connected with the Department of Health, Education and Welfare.*** This approach is one of several possible approaches for conducting the self-evaluation. The unique features of this self-study document will provide a data base for decision making about conditions related to nondiscrimination on the basis of sex in school districts.

A careful review of the entire set of rules and regulations will show that some specific regulations have been excluded from the self-study document. The enclosed steps are established for elementary and secondary school systems. Where the tables request information on programs generally, the data must be gathered on both elementary and secondary schools. Some parts of the material may be applicable to institutions of higher education. However, no effort has been made to determine the extent of this document's applicability to higher education. Where noted in the self-study, some portions are designed for joint vocational schools, e.g., 86.21 Admissions. The author's decision to exclude some regulations does not remove the responsibility of a school system for compliance if a unique condition exists. All steps and tables are suggested and the extent to which they are appropriate in a school system must be determined by local school personnel.

In conducting the self-evaluation, a first step following the appointment of a person to coordinate Title IX compliance might be the establishment of a district-wide task force. The task force could be made up of individuals representing administrators, teachers, support personnel, students, parents and community representatives. It is feasible that an individual might be able to complete the entire study without involving others. This likelihood, however, is small particularly in school systems larger than approximately 1,500 students. Under the task force approach, sections of the self-study could be given to individuals and/or groups to identify policies and gather data on practices. This is the first step in each section of the self-study.

Two basic criteria have been utilized in designing the structure and the sequence of the steps followed under each regulation. The first criterion, consistency, has served as a model in each section. All questions and tables relate directly to the regulations. The exact wording of the regulation is printed at the beginning of each section. The language should be read carefully to understand the purpose of the questions. Discrepancy has been identified as the second criterion. The actual policies and practices will reflect the real conditions in a school system. The ideal conditions are outlined in the regulation. Discrepancy exists when the real conditions do not comply with the idea stated in the regulation. The four-step sequence under each section is consistent and yields data that are either discrepant or congruent with the regulation.

Step one asks the school system to identify all sources of information related to policies and practices in the district. Step two reduces the information to a quantitative form. Step three involves the comparing of the data from step two with the regulations to identify any discrepancies in the school system's practices. The fourth and final step, as specified in regulation 86.3 (c-iii), is the means whereby the district plans specific action steps to remove discrepancies, if any, that will bring the district into compliance with the Title IX regulations.

Individuals or groups from the task force can complete steps one and two. It may be desirable to have the entire task force conduct step three. The analysis of data in step three is critical to determine compliance with the Title IX regulations. Input from as many sources as possible might strengthen the conclusions reached from data gathered in the tables and the questions. During the action planning called for in step four, task force members as well as additional school/community personnel could be involved. The goal of activities during step four is to identify specific steps that will change practices not in compliance with Title IX and, hopefully, eliminate discrepancies.

The likelihood is high that some data are not available to answer questions raised in the self-study. If certain data are not available and a school system needs the information to determine whether discrepancies exist between district practices and a specific regulation, then new procedures for record keeping should be instituted. Every effort should be made to begin keeping needed information over the next year or two.

After completing the self-evaluation, each district will have a baseline of data regarding district policies and practices related to nondiscrimination on the basis of sex. Section 86.3 (d) requires districts to keep the self-evaluation on file for three years. The authors hope this document will meet schools' needs as they proceed with the self-evaluation.

First Steps

Has your district done the following:

(1) Appointed a person or persons to coordinate Title IX compliance efforts and investigate complaints? If yes, list name(s), office address and telephone number. 86.8 (a) ☐ Yes ☐ No

(2) Adopted and published a grievance procedure for quick and fair resolution of student and employee complaints? 86.8 (b) ☐ Yes ☐ No

(3) Notified applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment and unions of the following information:

- a policy of nondiscrimination (equal educational and equal employment opportunities) ☐ Yes ☐ No
- compliance required by Title IX ☐ Yes ☐ No
- person(s) in district responsible for Title IX 86.9 (a-1) ☐ Yes ☐ No

(4) Published notification of the policy, compliance with Title IX and responsible person(s) in

- newspapers* ☐ Yes ☐ No
- publications published by the district ☐ Yes ☐ No
- communications to staff and students ☐ Yes ☐ No
- application forms, bulletins, catalogs or other materials used to recruit students or employees 86.9 (a-2) 86.9 (b) ☐ Yes ☐ No

If you have answered yes, to questions 1, 2, 3 and 4, you should be in compliance with 86.8 and 86.9. If you have answered no to any question, then you need to take appropriate remedial action immediately.

*If a newspaper does not publish an article detailing the policy of nondiscrimination and the grievance procedure, a district then should take out a public notice. Since federal law supersedes state statute, this would be permissible if state law is restrictive.

Guidelines for a Nondiscriminatory Policy

86.9 Dissemination of policy

(a) ***Notification of policy.*** *(1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that is required by title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such a manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to 86.8, or to the Director.*

There is no one best policy statement on nondiscrimination on the basis of sex. It may be approached several different ways:

(1) If a district already has a policy covering nondiscrimination based on race, color, creed or national origin, it may simply add sex to that and indicate coverage of Title IX. Existing policy should cover equal educational opportunities for students and equal employment opportunities for staff.

(2) If a district has no policy covering nondiscrimination, it might want to consider one to the effect that it is dedicated to providing equal educational opportunities and equal employment opportunities without regard to race, color, creed, national origin or sex. It should cite Title VI and VII (Civil Rights Act of 1964), Equal Pay Act of 1963 and Title IX.*

(3) If a district chooses to have a policy covering sex only, it may be a simple statement that it believes in equal employment opportunity and equal educational opportunity without regard to sex with reference to Title IX.

(4) Vocational schools need to make specific reference to admissions in their policy statement as should districts which operate vocational schools as one of their units.

After a district conducts a self-study, it may want to develop other policies which deal with specific kinds of discrimination, that covering texts and instructional materials for example. Another outgrowth of the self-study should be guidelines for implementing the nondiscriminatory policy.

*National Education Association, *Combating Discrimination in the Schools: Legal Remedies and Guidelines* (Washington, D.C., the Association, 1973).

Guidelines for Grievance Procedures

86.8 Designation of responsible employee and adoption of grievance procedures

(a) ***Designation of responsible employee.*** *Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph*

(b) ***Compliant procedure of recipient.*** *A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.*

The basic intent of the grievance procedure is to provide quick and fair resolution of complaints of discrimination based on sex. There is no one specific way to meet the regulation. Each district should develop its own procedure(s) based on fairness and expediency for both staff and students. Several options are possible:

(1) A district may establish a new procedure specifically for complaints of sex discrimination from staff and students. It may be a simple two step procedure:
- grievances filed initially with the building administrator (or designate) for students and with the immediate supervisor for staff with notification to the Title IX compliance officer
- appeal to the compliance officer and/or superintendent

(2) A grievance procedure for Title IX can be incorporated into an existing one *if* that procedure accommodates civil rights grievances (race, color, creed or national origin). If there is an established policy only for staff, then one should be set up for students.

(3) Procedures should guarantee due process.

(4) Since grievances concerning the same incident could be filed simultaneously by an employee and a student (or a student's parents), procedures for staff and students should be compatible.

(5) All questions regarding official interpretation of Title IX guidelines should be referred to the enforcement agency, the Office of Civil Rights. Districts might want to include the request for an official interpretation from the Office of Civil Rights as part of their grievance procedure. (Those in Ohio should contact the Office of Civil Rights [Dept. of HEW], Plaza Nine Bldg., Rm. 222, 55 Erieview Plaza, Cleveland, OH 44114. The telephone number is 216-522-4970.)

(6) Districts should publish the adopted procedure(s) and notify all staff, students and parents.

(7) Records of past grievances should be kept on file.

Title IX Regulations Which Permit Segregation on the Basis of Sex

(1) Educational institutions run by religious organizations are exempt from a specific Title IX regulation when there is a conflict between that regulation and the religious tenets of the organization. 86.12

(2) Membership regulations of the YMCA, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, Boys' State and Girls' State are exempt. This exemption also applies to voluntary youth service organizations which are exempt from taxation under Section 501 (a) of the Internal Revenue Code of 1954 and whose membership has been traditionally one sex under 19 years of age. 86.14 (b), (c)

(3) Portions of classes which deal exclusively with human sexuality may be segregated on the basis of sex. 86.34 (e)

(4) Choruses of one or predominantly one sex are permissible as long as requirements are based on vocal range or quality and not sex. 86.34 (f)

(5) Districts may operate a separate school for one sex provided that a comparable facility, program and services are available to the other sex. 86.35 (b)

(6) Schools may give scholarships or other forms of financial assistance established by certain legal instruments which stipulate sex-specified awards if the *overall* effect of such assistance is not discriminatory. 86.37 (b-1)

(7) Texts and instructional materials are exempt. 86.42

(8) Separate toilet, locker room and shower facilities are permitted as long as they are comparable. 86.33

(9) Physical education and athletics: See sections 86.34 (b), (c), (d) and 86.41 for exemptions in these areas.

Admissions

THE ADMISSIONS REGULATIONS APPLY ONLY TO VOCATIONAL SCHOOLS (86.15 d).

86.21 Admissions

*(a) **General.** No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies except as provided in 86.16 and 86.17.*

(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criteria for admission, or in making any offer of admission, a recipient shall not:

(i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) Apply numerical limitations upon the number of proportion of persons of either sex who may be admitted; or

(iii) Otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

Step One
Identify sources of information related to policies, procedures, tests and criteria that govern admissions.

Step Two
Using Table 1, determine if these policies, procedures, tests and criteria are applied equally to all applicants. Collect data for a three year period.

Table 1 (next page)

Step Three
All things being equal both in and out of school, most programs should not be sex identifiable; that is, exclusively or primarily male or female on the basis of those enrolled. Therefore, if a discrepancy of 15% above or below approximately 50% male, 50% female exists in any program, then you need to look for discrepancies between school practices and Title IX regulations 86.21, 86.22, and 86.23. The following questions may help your analysis:

(1) Are there policies, procedures or criteria which result in students of only one sex being enrolled in a program? If so, detail. ☐ Yes ☐ No

(2) Are quotas for any program set up on the basis of sex? If so, list programs and quota regulations. ☐ Yes ☐ No

(3) Are differential standards which might lead to ranking by sex used? If so, detail. ☐ Yes ☐ No

(4) Are criteria used for admission which may discriminate against one sex? If so, detail. ☐ Yes ☐ No

(5) Does the literature describing programs either explicitly or subtly make them appear to be for only one sex? If so, list specific instances. ☐ Yes ☐ No

(6) List all tests used for admissions. Do your criteria or standards discriminate on the basis of sex? ☐ Yes ☐ No

(7) In examining data over the three year period, do any patterns emerge? If so, detail. ☐ Yes ☐ No

Step Four
What specific steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.21 (a), (b-1,2)?

Table 1

Are the policies, procedures, tests and criteria for admissions applied equally to all applicants?

Program	Total Number of Students Enrolled																									
	197_ - 7_								197_ - 7_								197_ - 7_									
	9		10		11		12		9		10		11		12		9		10		11		12			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		

86.21 (Continued)

*(c) **Prohibitions relating to marital or parental status.** In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:*
(1) Shall not apply any rule concerning the actual or potential parental, family or marital status of a student or applicant which treats persons differently on the basis of sex;
(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;
(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disabilitry or physical condition; and
(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

Step One
Identify sources of information related to policies, procedures, tests and criteria that govern marital or parental status for admission.

Step Two
Using Table 2, determine if these policies, procedures, tests and criteria are applied equally to all applicants. Gather data for the two most recent years.

Table 2
Are policies, procedures, tests and criteria for admissions applied equally to all applicants?

Program	Number of qualified students engaged, married, pregnant or a parent who applied for admission				Number of these students accepted			
	197_ - 7_		197_ - 7_		197_ - 7_		197_ - 7_	
	M	F	M	F	M	F	M	F

Step Three
Analyze data to see if any discrepancies exist between the numbers of males and females accepted.

Step Four
What specific steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.21 (c-1,2,3,4)?

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86.22 Preference in Admission

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

86.23 Recruitment

(a) ***Nondiscriminatory recruitment.*** *A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to 86.3(a) and may choose to undertake such efforts as affirmative action pursuant to 86.3(b).*

(b) ***Recruitment at certain institutions.*** *A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.*

Step One
Identify sources of information related to policies, procedures, tests and criteria that govern recruitment.

Step Two
Using Table 3, determine if these policies, procedures, tests and criteria are applied equally to all applicants.

Table 3 (next page)

Step Three
Analyze data to see if any discrepancies exist between the numbers of males and females recruited. The following questions may help your analysis:

(1) Are students coming from sex identifiable pre-training programs/classes given preference in admissions? ☐ Yes ☐ No

(2) In recruiting from feeder schools, is only one sex informed about programs and encouraged to enroll? ☐ Yes ☐ No

(3) Are students recruited primarily from pre-vocational training programs or classes which are exclusively or predominately one sex? ☐ Yes ☐ No

Step Four
What specific steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulations 86.22 and 86.23 (a), (b)? Although programs which are not sex identifiable may be long range, determined by out-of-school as well as in-school factors, that can be a goal which schools can start moving toward now.

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Table 3

Are policies, procedures, tests and criteria for admissions applied equally to all applicants?

Program	Number of students informed about the program				Number of students coming from sex identifiable programs/classes			
	197_ - 7_		197_ - 7_		197_ - 7_		197_ - 7_	
	M	F	M	F	M	F	M	F

Education Programs and Activities

86.31 Education Programs and Activities

*(a) **General.** Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a recipient, to which Subpart C would not apply if the entity were a recipient.*

Step One
Identify all sources of information about extracurricular activities, criteria for admission into these activities and participation.

Step Two
Using Table 1, are all extracurricular activities available for all students who meet the criteria other than those based on sex?

Table 1

		Females		Males		Ratio:
	Extracurricular Activity*	Eligible	Participate	Eligible	Participate	M/F
Elementary	Student government					
	Service group					
Junior High/Middle School	Student government					
	Service group					
	Dramatics					
	Chess club					
Senior High	Student government					
	Service group					
	Science club					
	Honor society					
	Drama club					
	Debate					
	Chess club					

*The extracurricular activities listed below are presented as samples. Each school system should list all extracurricular activities not covered under other sections of the self-study document.

Step Three
Based on the analysis of data gathered in Step Two, what discrepancies, if any, exist between district practices and regulation 86.31 (a)?

Step Four
What specific steps do you plan to take to remove discrepancies, if any, between district practices and the regulation?

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86.31 (Continued)

(b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:
(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

Step One
Identify all sources of information related to policies and actions used to determine whether a person satisfies any requirements or conditions for receipt of aid, benefits or services such as scholarships, work-study programs, medical and other types of insurance and assistance in obtaining employment

Step Two
Are the requirements or conditions for receiving aid, benefit or service applied equally to all students regardless of sex?

1. Scholarships	Yes ☐	No ☐	No data ☐
2. Work-study programs	Yes ☐	No ☐	No data ☐
3. Medical insurance	Yes ☐	No ☐	No data ☐
4. Other insurance	Yes ☐	No ☐	No data ☐
5. _____	Yes ☐	No ☐	No data ☐

Step Three
On the basis of your responses above, are there any that indicate a discrepancy between district policies and practices and regulation 86.31 (b-1)?

Step Four
What specific steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.31 (b-1)?

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86.31 (Continued)

(2) Provide different aid, benefits or services or provide aid, benefits, or services in a different manner;
(3) Deny any person any such aid, benefit or service;

Step One
Identify all sources of information related to the actual use of aid, benefits or services such as scholarships, insurance and work-study programs.

Step Two
Using Table 2, how many students received assistance in relation to the aid, benefits or services? How many students were denied assistance?

Table 2

	Provided		Denied		No
	M	F	M	F	Data
Scholarships					
Number given information					
Number given required tests					
Number of recommendations written					
Number receiving scholarships					
Medical Insurance					
Number given information					
Number subscribing					
Other Insurance					
Number given information					
Number subscribing					
Work-study Programs					
Number given information					
Number admitted					

Step Three
Using the data above, which, if any, responses indicate a discrepancy between district practices and regulation 86.31 (b-2, 3)?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.31 (b-2, 3)?

86.31 (Continued)

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

Step One
Identify all sources of information related to policies and practices about student rules of behavior, sanctions or other treatment.

Step Two
Using Table 3, how many male and female students were (1) reported for each infraction, and (2) how many male and female students received actions for each infraction during the 1973-75 period?

Table 3

Infractions Reported	Elementary		Jr. High		Sr. High		Total		No data
	M	F	M	F	M	F	M	F	M/F
Tardy to school									
Late for class									
Truancy									
Smoking									
Swearing									
Action Taken									
Corporal punishment									
Detention									
Suspension									
Expulsion									

Step Three
On the basis of district policy, are there different rules for male and female students? ☐ Yes ☐ No

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring about compliance with regulation 86.31 (b-4)?

86.31 (Continued)

(5) Discriminate against any person in the application of any rules of appearance;

Step One
Identify all sources of information related to policies and practices related to the appearance of students.

Step Two
Using Table 4, are the policies, criteria and rules of appearance the same for and applied to all students in the same manner?

Table 4

	Item	Policy is same for males and females		Number of infractions reported	
		Yes	No	Male	Female
Elementary	Hair length				
	Hair style				
	Wearing pants				
Junior High/Middle School	Hair length				
	Hair style				
	Jewelry				
	Wearing pants				
High School	Hair length				
	Hair style				
	Jewelry				
	Swimming caps				
	Wearing pants				

Step Three
On the basis of your responses above, which indicate a discrepancy between district policies and practices and regulation 86.31 (b-5)?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.31 (b-5)?

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86.31 (Continued)

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

Step One
Identify all sources of information related to residency and tuition.

Step Two

How many out-of-state students are enrolled in your district?	____ Male	____ Female
How many out-of-district students enrolled in your district?	____ Male	____ Female
How many of the out-of-state students enrolled in your district pay tuition?	____ Male	____ Female
How many of the out-of-district students enrolled in your district pay tuition?	____ Male	____ Female
Is the amount of tuition equal for out-of-state and out-of-district male and female students?	☐ Yes	☐ No
Does the district have a residency policy for staff?	☐ Yes	☐ No
Is it applied equally to all job classifications or only some?	____ All	____ Some

If it applies only to some, list those and the male/female breakdown of the employees in those classifications.

Step Three
Using responses under the previous step, determine if there are any discrepancies between district practices and regulation 86.31 (b-6).

Step Four
What specific actions do you intend to take to correct discrepancies, if any, found between district practices and 86.31 (b-6)?

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86.31 (Continued)

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

Step One
Identify all policies and procedures related to assisting outside agencies, organizations or individuals. Compile a list of all those currently receiving assistance from the schools.

Step Two
First, determine if any of those agencies, organizations or persons discriminate in providing aid, benefit or service. Do they:

(1) restrict membership or participation on the basis of sex? ☐ Yes ☐ No

(2) offer programming with sex related restrictions? ☐ Yes ☐ No

(3) have sex-restricted personnel policies or practices? ☐ Yes ☐ No

(Note: According to 86.14, the membership practices of social fraternities and sororities, YMCA, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls and voluntary youth service organizations [which are exempt from taxation under Section 501 (a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to one sex, especially those under 19] are exempt.)

If the answer to any of these questions is yes, then using Table 5, gather data for *each* organization.

Table 5

Does your district or any of the schools or personnel of your district participate in or provide services to outside agencies, groups or individuals in the following ways?

Service	No	Yes	To What Extent # / Hrs. / $
Use of school facilities			
Free			
On rental basis			
At cost			
Use of school equipment, materials or supplies			
Free			
On rental basis			
At cost			
Direct contribution of funds			
Joint fund-raising activities			
Direct contribution of staff services			
Co-appointment			
As advisors, coaches, judges			
As members of boards, committees, task forces, etc. (either school personnel on those of the organization(s) or vice versa)			
Custodial services			
Free			
Paid			
Recruiting			
Production of materials—flyers, bulletins, printed handouts			
Display of materials			
Distribution of materials from school offices, classrooms, at school sponsored events			
Use of students or staff to distribute information to home or community			
Other publicity in school papers or district bulletins/newsletters, P.A. announcements			
Direct recruitment of students/staff on school time for participation and/or contributions			
Promotional activities for student/staff in contests, displays, fairs, exhibits			

Step Three
Based on the data gathered, to what extent are you providing assistance to organizations, agencies or persons which discriminate?

The guidelines do not in any way define what constitutes significant assistance, nor has the Office for Civil Rights given any definitive answer up to this point in time. It has indicated that cases will be handled on an individual basis. However, informally OCR has stated that use of facilities on a rental or fee basis does not in and of itself constitute significant assistance. If you are providing what appears to be minimal assistance, you may want to modify practices or request an official ruling from the Regional Director, Office of Civil Rights. If the assistance appears to be substantial, then you are most likely out of compliance.

Step Four
If you are out of compliance, what are your plans for meeting regulation 86.31 (b-7)?

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86.31 (Continued)

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Steps One-Four
Each district should examine its total program to determine if there are any rights, privileges, advantages, or opportunities available to students not yet identified and examined under 86.31 or other sections of the regulations. If some are found, each should be run through the four step process.

86.31 (Continued)

(c) ***Assistance administered by a recipient educational institution to study at a foreign institution.*** *A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution;* ***Provided,*** *a recipient educational institution which administers or assists in the administration of such scholarships, fellowships, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.*

Step One
Identify all sources of information related to study at foreign institutions.

Step Two
Do you have students involved in an international program such as American Field Service? If so, list the number of females and males. ____ Male ____ Female

List the criteria for selection _____

_____

_____

_____

Do any of the criteria restrict equal opportunity on the basis of sex? ☐ Yes ☐ No

Step Three
Using the responses under the previous step, determine if there are any discrepancies between district policies and practices and regulation 86.31 (c).

Step Four
What specific actions do you intend to take to correct discrepancies, if any, found?

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86.31 (Continued)

(d) ***Programs not operated by recipient.*** *(1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative student-teaching assignments. (2) Such recipient:*

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

Step One
Identify all sources of information and criteria for participation related to the district's requiring students or staff to participate in programs and activities operated wholly or in part by outside agencies.

Step Two
List those outside agencies with whom the district works cooperatively.

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

Check the ones which have policies of non-discrimination and/or affirmative action programs, or, to the best of your knowledge, do not discriminate in ways that affect your staff or students.

Step Three
Using responses under previous step, determine if there are any discrepancies between district policies and practices and 86.31 (d).

Step Four
What specific actions do you intend to take to correct discrepancies, if any, found between district practices and regulation 86.31 (d)?

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Access to Courses

86.34 Access to course offerings

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Step One
Identify all sources of information about programs and course descriptions, criteria for admission to programs and courses and current enrollment in all programs and courses.

Step Two
Using Tables 1 through 5, are all programs and courses accessible for all students who meet the criteria other than those based on sex? Gather data, if possible, for a three year period so that patterns can be determined. If there are no elementary groupings, use achievement test scores.

Tables 1-5 (pages 27-30)

Table 1

Are the special education courses accessible to all students who meet the criteria other than those based on sex?

Special Education Program Enrollment by Sex				
	Male	**Female**	**Ratio: M/F**	**No Data**
Elementary School				
EMR				
Learning disability				
Hearing impaired				
Gifted				
Junior High/Middle School				
EMR				
Learning disability				
Hearing impaired				
Gifted				
High School				
EMR				
Learning disability				
Hearing impaired				
Gifted				

Step Three
Based on your analysis of the data, what discrepancies exist between district policies and practices and regulation 86.34?

Step Four
What specific steps do you plan to take to remove any discrepancies between district policies and practices and the regulation?

Table 2

Are the secondary courses accessible to all students who meet the criteria other than those based on sex?

Enrollment of Secondary Courses				
	Male	Female	Ratio	No Data
Business				
Typing				
Office procedures				
Accounting				
Home Economics				
Cooking				
Sewing				
Child care				
Industrial Arts				
General				
Woods				
Metals				
Health				
Art				
General				
Advanced				
Drama				
Drivers Education				
Vocational Education				
Child care				
Cosmetology				
Auto body				
Advanced Courses				
Math				
Science				

Table 3

What is the number of students failing grades, programs or classes?

	Grades	Number Repeating	
		Male	Female
Elementary	Kindergarten		
	1st		
	2nd		
	3rd		
	4th		
	5th		
	6th		
Junior High/Middle School	7th		
	8th		
	Courses/Programs	Number Failing	
		Male	Female
High School	English I, II, III, IV		
	World history		
	American history		
	Government		

86.34 (Continued)

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

Table 4

Are the elementary programs accessible to all students who meet the criteria other than those based on sex?

Enrollment of Elementary Groupings				
	Male	Female	Ratio	No Data
Reading				
Above grade level				
At grade level				
Below grade level				
Mathematics				
Above grade level				
At grade level				
Below grade level				
Above grade level				
At grade level				
Below grade level				
Above grade level				
At grade level				
Below grade level				

Table 5

Are the adult education programs accessible to all enrollees who meet the criteria other than those based on sex?

Enrollment of the Adult Education Program				
Classes	Male	Female	Ratio	No Data

Step One
Identify the sources of information related to policies, procedures, tests and/or criteria used to determine access to course offerings in physical education.

Step Two
Using data from Tables 6 and 7, determine if males and females have equal access to physical education classes and activities.

Table 6

Do you have physical education classes and/or activities that are segregated on the basis of the sex of the students?

Grade Level	Yes	No	Number of classes or activities that are sex segregated
Elementary			
Junior High			
Senior High			

If you do not have segregated physical education classes and/or activities, please complete Table 7.

Table 7

	If students are separated during class for activities, is the separation based on objective individual performance criteria (ability) or sex		Are students separated for contact sports	
Grade Level	Criteria	Sex	Yes	No
Elementary				
Junior High				
Senior High				

Step Three
On the basis of Table 6:

(1) Any sex-segregated physical education classes are in violation of the regulations. Elementary schools have up to one year (July 21, 1976) to comply. Secondary schools have up to three years (July 21, 1978) to comply. 86.34 (a)

(2) Where integrated physical education classes are separated for activities (Table 7), the criteria for that separation should be on the basis of ability, not sex. The classes may be separated for contact sports. 86.34 (b), (c)

(3) In integrated physical education classes, is there a single performance standard for evaluation or progress purposes? ☐ Yes ☐ No

If yes, and that standard has an adverse effect upon one sex, standards which do not have the effect must be adopted. 86.34 (d)

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.34. Please include a timeline for your compliance effort.

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86.34 (Continued)

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

No data are necessary.

Counseling and Guidance

86.36 Counseling and Use of Appraisal and Counseling Materials

*(a) **Counseling.** A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.*

Step One
Identify all sources of information related to the policies and practices of your guidance and counseling progams and personnel in your district.

Step Two
Using Tables 1-3,

a. Do male and female counselors have the same case loads ± 5%? ☐ Yes ☐ No

b. Do male and female counselors serve the same proportion of male and female students? ☐ Yes ☐ No

c. During a two year period, were the same services provided equally to male and female students? ☐ Yes ☐ No

d. During a two year period, were referral actions the same for male and female students? ☐ Yes ☐ No

Table 1

What is the case load of each counselor?

	197_-7_				197_-7_			
	Students		Ratio:	No	Students		Ratio:	No
	M	F	M/F	data	M	F	M/F	data
Elementary								
Male counselors								
Female counselors								
Junior High/Middle School								
Male counselors								
Female counselors								
Senior High								
Male counselors								
Female counselors								

Table 2

During the past two years, *how often* were counseling services provided to students?

Type of Service	197_-7_ Students M	197_-7_ Students F	197_-7_ Ratio: M/F	197_-7_ No data	197_-7_ Students M	197_-7_ Students F	197_-7_ Ratio: M/F	197_-7_ No data
Testing								
Vocational								
Personality								
Academic								
Post-secondary advising								
Personal counseling								
Pregnancy								
Drug related								
Career guidance								
Employment								
Discipline								

Table 3

During the past two years, *how often* were various referral actions taken?

Type of Referral	197_-7_ Students M	197_-7_ Students F	197_-7_ Ratio: M/F	197_-7_ No data	197_-7_ Students M	197_-7_ Students F	197_-7_ Ratio: M/F	197_-7_ No data
To parent or guardian								
To principal								
To superintendent								
To school psychologist								
To police								
To external social agency								
To medical agency doctor								

Step Three
On the basis of the responses above, is there any indication of a discrepancy between district policy and practice and regulation 86.36 (a)?

Step Four
What specific action steps are you planning to remove discrepancies, if any, between district policy and practice and regulation 86.36 (a)?

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86.36 (Continued)

(b) ***Use of appraisal and counseling materials.*** *A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.*

(c) ***Disproportion in classes.*** *Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.*

Step One
Identify all sources of policy related to test selection, administration and utilization and an inventory of the types, titles and dates of development of all tests used during the past two academic years.

Identify all class enrollments by sex.

Step Two
Which tests were used in the district during this time?

Table 4

Name of test	Administered to how many:		No data	Does it discriminate on the basis of sex?
	Males	Females		

Do you have procedures for ensuring that tests or other appraisal materials do not discriminate on the basis of sex? ☐ Yes ☐ No

Do you have any courses or programs that show a disproportionate enrollment (±15% of total school proportion of M/F) by sex as a result of the use of appraisal materials? ☐ Yes ☐ No

Step Three

On the basis of the responses above, is there any indication of a discrepancy between policy and practice and regulation 86.36 (b), (c)?

Step Four

What specific action steps are you planning to remove discrepancies, if any, between district policy and practice and regulation 86.36 (b), (c)?

Athletics

86.41 Athletics

(a) ***General.*** *No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by the recipient, and no recipient shall provide any such athletics separately on such basis.*

(b) ***Separate Teams.*** *Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.*

Step One
Identify the sources of information related to policies, procedures and/or criteria for the establishment and maintenance of separate athletic teams and access to participation in all non-contact athletics.

Step Two
Using Table 1, identify all athletic activities, the number of males and females who tried-out for the team/activity and the number of males and females who were selected/participated.

Table 1 (next page)

Were members of one sex excluded access to any non-contact sports? ☐ Yes ☐ No

Step Three
Is there a discrepancy between district practices and 86.41 (a), (b)?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.41 (a), (b)? Since there is an adjustment period in the athletics section (See 86.41 (d), page 50), districts should include in their action plans timelines for moving into compliance.

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86.41 (Continued)

(c) ***Equal opportunity.*** *A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:*

(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

Step One
Identify the sources of information related to policies, procedures and/or criteria for athletic programming.

Step Two
Do you conduct athletic interest and/or ability surveys of all your students such as illustrated in Table 2?
☐ Yes ☐ No

Table 1

Are the policies, procedures and/or criteria for athletic programming applied equally to all students?

	All sports offered to students male and female	Offered to males only		Number of males trying out for each sport		Offered to females only		Number of females trying out for each sport		Offered to males and females for unitary teams		Number trying for team				Number making the team			
		inter-scholastic	intra-mural	inter-scholastic	intra-mural	inter-scholastic	intra-mural	inter-scholastic	intra-mural	inter-scholastic	intra-mural	inter-scholastic		intra-mural		inter-scholastic		intra-mural	
												M	F	M	F	M	F	M	F
High School																			
Jr. High/Middle School																			
Elementary																			

Table 2

Survey

Year in school _____ Male ☐ Female ☐

Have you previously taken part in any sport, either interscholastic or intramural? ☐ Yes ☐ No

If so, please list which ones: _____

_____

Sport	I would definitely participate	I would be interested in participating	I have no interest in participating

Identify the array of all athletic activities and indicate:

(1) The number of males and the number of females participating

(2) The levels of competition available in each activity (e.g. varsity, junior varsity, etc.)

Step Three

Are you in compliance with regulation 86.41 (c-i)? ☐ Yes ☐ No

Step Four

If you are not in compliance, what specific action steps do you plan to take to come into compliance with regulation 86.41 (c-i)?

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86.41 (c), (Continued)

(ii) The provision of equipment and supplies;

Step One
Identify the sources of information related to the provision of athletic equipment and supplies.

Step Two
Using Table 3, identify the amount of expenditures made for equipment and supplies for male and female athletic programs and activities.

Table 3

	Sport	Average expenditure for equipment and supplies per female athlete	Number games in schedule	Average expenditure for equipment and supplies per male athlete	Number games in schedule
High School					
Jr. High/Middle School					
Elementary					
	Total				
	Overall average expenditure per athlete				

Step Three
Are equipment and supply expenditures comparable for male and female athletics? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-ii)?

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86.41 (c), (Continued)

(iii) Scheduling of games and practice times;

Step One
Identify the sources of information related to the scheduling of games and practice time.

Step Two
Using Table 4, identify the allotment of time for practice and the scheduling of male and female athletic activities.

Table 4

	Sport	Male Sports				Female Sports			
		Number of days per week of practice	Day(s) of week of games	Time of day of practice	Time of day of games	Number of days per week of practice	Day(s) of week of games	Time of day of practice	Time of day of games
High School									
Jr. High/Middle School									
Elementary									

Step Three
Is the scheduling of games and practice time equally allocated? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-iii)?

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86.41 (c), (Continued)

(iv) Travel and per diem allowance;

Step One
Identify the sources of information related to travel and per diem allowance for all athletic activities.

Step Two
Using Table 5, identify the amount of money allotted for travel and per diem for male and female athletic activities.

Table 5

	Amount of money allotted for male team travel			Amount of money allotted for female team travel			If athlete per diems are allowed:	
	Sport	Overall	per athlete	Sport	Overall	per athlete	Male athletes	Female athletes
High School								
Jr. High/Middle School								

Step Three
Is the travel and per diem allowance equally allotted to male and female athletic activities? ☐ Yes ☐ No

Step Four
If you are not in compliance, what specific action steps do you plan to take to meet regulation 86.41 (c-iv)?

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86.41 (c), (Continued)

(v) Opportunity to receive coaching and tutoring;

Step One
Identify all sources of information about the opportunities male and female athletes have to receive coaching and tutoring.

Step Two
Using Table 6, identify the nature of the coaching and tutoring available to male and female athletes.

Table 6

Qualifications of male coaches: formal & informal		Qualifications of female coaches: formal & informal		Avg. number of sports coached by male coach	Avg. number of sports coached by female coach	Number of male coaches coaching female teams
				Number of female coaches coaching male teams	Number of male coaches coaching unitary teams	Number of female coaches coaching unitary teams
Number of mixed sex teams coaching male teams	Number of mixed sex teams coaching female teams	Number of mixed sex teams coaching unitary teams	Number of male athletes provided with formal or informal tutoring (usually for eligibility purposes)		Number of female athletes provided with formal or informal tutoring (usually for eligibility purposes)	

Step Three
Is the opportunity to receive coaching and tutoring the same for male and female athletes? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-v)?

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86.41 (c), (Continued)

(vi) Assignment and compensation of coaches and tutors;

Step One
Identify all information related to the assignment and compensation, including released time from teaching responsibilities, of coaches and tutors.

Step Two
Using Table 7, identify the amounts of money, released time, etc. for coaches and tutors for each sport and athletic activity.

Table 7 (next page)

Step Three
Are coaches and tutors assigned and compensated equivalently? (See page 67 for other criteria for supplemental contracts.) ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-vi)?

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86.41 (c), (Continued)

(vii) Provision of locker room, practice and competitive facilities;

Step One
Identify all information about the accessibility to locker rooms, practice and competitive facilities.

Step Two
Using Table 8, identify the usage and amount of facilities available for each male and female athletic activity.

Table 8 (page 46)

Step Three
Are locker rooms, practice and competitive facilities equivalently available to male and female athletes? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-vii)?

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86.41 (c), (Continued)

(viii) Provision of medical and training facilities and services;

Step One
Identify all information related to the provision of medical and training facilities and services for male and female athletes.

Table 7

Sport	Salary of head coach per sport		Hrs/day & total days of season		Number of games in season		Number of students participating		Number of coaching assistants		Salary of assistant coaches		Amount of released time in hours per year		Are tutors provided (formally or informally)		Amount of compensation for tutors	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
High School																		
Jr. High/Middle School																		
Elementary																		

Table 8

	Sport	Male Sports		Female Sports	
		Days per wk in grade facility*	Number of competitions in grade facility	Days per wk in grade facility*	Number of competitions in grade facility
High School					
Jr. High/Middle School					
Elementary					

*Facilities Grade

A. Fieldhouse or high school gymnasium (where male varsity indoor sports have been traditionally played).
B. Gym or physical education facility in high school that is not comparable to A (e.g. only half the spectator seating or no spectator seating at all).
C. Non-regulation size courts (sometimes found in grade schools).
D. Inferior facilities not in the school but community.

Step Two
Using Table 9, identify the accessibility of medical and training facilities and services.

Table 9 (next page)

Step Three
Are medical and training facilities and services equally accessible to male and female athletes? ☐ Yes ☐ No

Step Four
What specific steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-viii)?

_____

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_____

Table 9

	Sport	Trainer and/or physician at practice		Trainer and/or physician in attendance at games		Training room accessibility	
		Male	Female	Male	Female	Male	Female
High School							
Jr. High/Middle School							
Elementary							

86.41 (c), (Continued)

(ix) Provision of housing and dining facilities and services;

Step One
Identify all information regarding policies and practices about the provision of housing and dining facilities and services.

Step Two
Using Table 10, identify the arrangements for dining, released student time for travel, other student released time and housing in "away" activities.

Table 10

	Sport	Formal or informal training meals (regular basis in season or day of game)		Athlete released time for team travel*		Athlete released time other than team travel**	
		Male	Female	Male	Female	Male	Female
High School							
Jr. High/Middle School							
Elementary							

*during school day
**e.g. getting out of study hall to shoot baskets or to go over the game plan with the coach

Step Three
Are the housing and dining facilities and services the same for male and female athletes? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-ix)?

_____

_____

_____

86.41 (c), (Continued)

(x) Publicity.

Step One
Identify all policies and practices about publicity for male and female athletes and athletic activities.

Step Two
Using Table 11, identify the frequency of publicity and media coverage provided male and female athletes and athletic activities.

Table 11

	Sports	Number of press releases given to local media*		Number of feature sports done by local media		Number of game results reported by local media		Number of feature sports articles done by school media		Number of game results reported by school newspaper	
		M	F	M	F	M	F	M	F	M	F
High School											
Jr. High/Middle School											
Elementary											

*Use data from the most recent year.

Step Three
Is publicity accorded equally to male and female athletes and athletic activities? ☐ Yes ☐ No

Step Four
What specific action steps are planned to bring the district into compliance, if necessary, with regulation 86.41 (c-x)?

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86.41 (Continued)

(d) ***Adjustment period.*** *A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of the regulation.*

Elementary schools have one year (July 21, 1976) to comply with this part. Secondary schools have three years to comply (July 21, 1978). Elementary schools are defined as grades K-6, secondary schools, grades 7-12. A middle school or junior high school that has grades straddling that definitional line are subject to the longer adjustment period. (In Ohio such schools should check their State charters to determine if they are elementary or secondary.) The adjustment period was established to help school districts meet compliance regulations, not for them to postpone compliance until the July 21, 1976 or 1978 dates. 86.41 (d)

Texts and Instructional Materials

86.42 Textbooks and Curricular Material

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

(Note: The guidelines do not cover the analysis of textbooks and curricular materials as part of the self-study. Sufficient information is available, however, to document differential treatment of the sexes in textbooks and curricular materials. The attached set of questions has been prepared to serve as a guide for any district that desires data on how textbooks and curricular materials discriminate on the basis of sex.)

Questions: Textbooks and Curricular Materials

1. Do textbooks or curricular materials illustrate or describe females engaged in passive activities while illustrating or describing males engaged in action activities?

2. Do textbooks or curricular materials use masculine subsuming language to describe the hypothetical person?

3. Do textbooks or curricular materials show or describe females as followers or under the direction of males disproportionally to males as followers or under the direction of females?

4. Do textbooks or curricular materials characterize female interests as self, home and school (primary territoriality) while characterizing the male interests as community and world (secondary and extended territoriality)?

5. Do textbooks or curricular materials give disproportional coverage to the roles and problems of males compared to the roles and problems of females?

6. Do textbooks or curricular materials describe the female emotional character as flighty, insecure, etc. while describing the male emotional character as stable, secure, etc.?

7. Do textbooks or curricular materials have males as the main characters disproportionally in relation to having females as main characters.?

8. Do textbooks or curricular materials encourage females to be neat orderly and punctual while encouraging males to be less organized and spontaneous.?

9. Do textbooks or curricular materials show males more frequently in illustrations than females are shown?

10. Do textbooks or curricular materials illustrate or describe males in instrumental jobs while illustrating or describing females in expressive jobs?

11. Do textbooks or curricular materials show males in affilial relationships that result in action while females are shown as unaffiliated?

12. Do textbooks or curricular materials define female identify by using a male as the reference?

Employment

86.52 Employment Criteria

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) Use of such tests or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

Step One
Identify sources of information related to policies, procedures, tests and criteria used for employment purposes.

Step Two
Using Tables 1-4, are these policies, procedures, tests and criteria applied equally to all applicants?

Table 1

Central Office Certificated Personnel

Are policies, procedures, tests and criteria applied equally to all participants?

Position	Tests/Criteria	Yes	No
Superintendent			
Assistant superintendent			
Assistant to the superintendent			
Directors			
Supervisors			

Tables 2-4 (pages 54-56)

Step Three
On the basis of data reported in each table, what responses indicated a discrepancy between district practices and regulation 86.52? (To check for possible disparate impact, compare data in Tables 1-4 with that in Tables 9-12. Where imbalances* exist, check criteria for disparate effect. For example, five years administrative experience as a criteria can have a disparate effect on females who may have been denied opportunities to gain such experience.)

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.52?

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*An imbalanced employment category is one which has plus or minus 20% of the pool of available applicants.

Table 2

Building Administrative Personnel

Are policies, procedures, tests and criteria applied equally to all applicants?

	Position	Tests/Criteria	Yes	No
High School	**Principals**			
	Assistant principals			
	Assistant to the principal			
Junior High/Middle School	**Principals**			
	Assistant principals			
	Assistant to the principal			
Elementary	**Principals**			
	Assistant principals			
	Assistant to the principal			

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Table 3

Certificated Instructional Staff

Are policies, procedures, tests and criteria applied equally to all applicants?

Position	Tests/Criteria	Yes	No
Teachers			
High School			
English			
Social studies			
EMR			
Science			
Junior High/Middle School			
English			
Math			
Music			
Industrial arts			
Elementary			
Kindergarten			
Primary			
4th-5th-6th			
Support Staff			
Counselors			
School psychologists			
Speech/hearing therapists			
Remedial reading teachers			

86.53 Recruitment

(a) ***Nondiscriminatory recruitment and hiring.*** *A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.*

(b) ***Recruitment patterns.*** *A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.*

Step One

Identify sources of information related to a) proportion of males to females applying within the past two years for employment; b) proportion of males to females employed in positions during the past two years; c) the numbers of males/females in all positions; d) a listing of all agencies or institutions visited or contacted for purposes of recruitment during the past two years, and e) the methods of advertising vacancies.

Table 4

Noncertificated Staff

Are policies, procedures, tests and criteria applied equally to all applicants?

Position	Tests/Criteria	Yes	No
Custodial supervisors			
Custodians			
Director of food service			
Food service personnel			
Transportation supervisor			
Bus drivers			
Instructional aides			
Library aides			
Security			

Step Two
Using Tables 5-8, what is the number of qualified male and female applicants for vacant positions during the past two years?

Tables 5-8 (pages 57-59)

Using Tables 9-12, what is the number of male and female employees in all positions?

Tables 9-12 (pages 60-61)

In Table 13, what is the primary characteristic of the agencies and institutions the district visited or contacted during the past two years regarding the applicant pool?

Table 13 (page 62)

Using Table 14, determine how job vacancies were circulated among male/female applicant pools?

Table 14 (page 62)

Table 5

Central Office Certificated Personnel

What is the number of qualified male and female applicants for vacant positions during the past two years and the number hired?

Position	197_ - 7_						197_ - 7_					
	Female		Male		Ratio		Female		Male		Ratio	
	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired
Superintendent												
Assistant superintendent												
Assistant to the superintendent												
Directors												
Supervisors												

Table 6

Building Administrative Personnel

What is the number of qualified male and female applicants for vacant positions during the past two years and the number hired?

	Position	197_ - 7_						197_ - 7_					
		Female		Male		Ratio		Female		Male		Ratio	
		Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired
High School	Principals												
	Assistant principals												
	Assistant to the principal												
Junior High/ Middle School	Principals												
	Assistant principals												
	Assistant to the principal												
Elementary	Principals												
	Assistant principals												
	Assistant to the principals												

Table 7

Certificated Instructional Staff

What is the number of qualified male and female applicants for vacant positions during the past two years and the number hired?

Position	197_-7_						197_-7_					
	Female		Male		Ratio		Female		Male		Ratio	
	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired
Teachers												
High School												
English												
Social studies												
EMR												
Science												
Junior High/Middle School												
English												
Math												
Music												
Industrial arts												
Elementary												
Kindergarten												
Primary												
4th-5th-6th												
Support Staff												
Counselors												
School psychologists												
Speech/hearing therapists												
Remedial reading teachers												

Step Three

What discrepancies, if any, exist between the proportion of qualified applicants to actual proportion of employed personnel on the basis of sex?

What proportion of the agencies and institutions visited by the district provide limited applicant pools on the basis of sex?

Step Four

What specific steps will be taken to recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination, including expansion of applicant pool?

Table 8

Noncertificated Staff

What is the number of qualified male and female applicants for vacant positions during the past two years and the number hired?

Position	197_-7_						197_-7_					
	Female		Male		Ratio		Female		Male		Ratio	
	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired	Applied	Hired
Custodial supervisors												
Custodians												
Director of food service												
Food service personnel												
Transportation supervisor												
Bus drivers												
Playground supervisors												
Instructional aides												
Library aides												
Security												

Table 9

Central Office Certificated Personnel

What is the number of male and female employees in all positions?

Position	Female	Male	Ratio
Superintendent			
Assistant Superintendent			
Assistant to the Superintendent			
Directors			
Supervisors			

Table 10

Certificated Instructional Staff

What is the number of male and female employees in all positions?

Position	Male	Female	Ratio
Teachers			
High School			
English			
Social studies			
EMR			
Science			
Junior High/Middle School			
English			
Math			
Music			
Industrial arts			
Elementary			
Kindergarten			
Primary			
4th-5th-6th			
Support Staff			
Counselors			
School psychologists			
Speech/hearing therapists			
Remedial reading teachers			

Table 11

Building Administrative Personnel

What is the number of male and female employees in all positions?

	Position	Female	Male	Ratio
High School	Principals			
	Assistant principals			
	Assistant to the principal			
Junior High / Middle School	Principals			
	Assistant principals			
	Assistant to the principal			
Elementary	Principals			
	Assistant principals			
	Assistant to the principal			

Table 12

Noncertificated Staff

What is the number of male and female employees in all positions?

Position	Female	Male	Ratio
Custodial supervisors			
Custodians			
Director of food service			
Food service personnel			
Transportation supervisor			
Bus drivers			
Playground supervisors			
Instructional aides			
Library aides			
Security			

Table 13

What is the primary characteristic of the agencies and institutions the district visited or contacted during the past two years regarding the applicant pool?

Institution/Agency	Coeducational	Female	Male	Limited Enrollment*	No Data

*Some institutions have restricted enrollment by number for one or the other of the sexes.

Table 14

Were vacancies during the last two years advertised in such ways to reach members of male and female applicant pools?

Vacancies	How Advertised	Number of Responses	
		Male	Female

86.54 Compensation

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

Step One
Identify the sources of all information about policies regarding rates of pay or other forms of compensation for each position or job.

Step Two
Using Tables 15-19, are there any discrepancies in wages or compensations between males and females who hold the same position and tenure or perform the same task (excluding athletics, i.e., 86.41)?

Tables 15-19 (pages 63-67)

Table 15

Central Office Certified Personnel

What is the rate of compensation for males and/or females for performing the same task?

Position	Salary Base or Range	Average Salary	
		Male	Female
Superintendent			
Assistant superintendent			
Assistant to the superintendent			
Directors			
Supervisors			

Table 16

Building Administrative Personnel

What is the rate of compensation for males and/or females for performing the same task?

	Position	Salary Base or Range	Average Salary	
			Male	Female
High School	Principals			
	Assistant principals			
	Assistant to the principal			
Junior High/Middle School	Principals			
	Assistant principals			
	Assistant to the principal			
Elementary	Principals			
	Assistant principals			
	Assistant to the principal			

Step Three
On the basis of data reported in each table, what responses indicate a discrepancy between district practices and regulation 86.54?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.54?

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Table 17

Certificated Instructional Staff

What is the rate of compensation for males and/or females for performing the same task?

Position	Salary Base or Range	Average Salary	
		Male	Female
Teachers			
High School			
English			
Social studies			
EMR			
Science			
Junior High/Middle School			
English			
Math			
Music			
Industrial arts			
Elementary			
Kindergarten			
Primary			
4th-5th-6th			
Support Staff			
Counselors			
School psychologists			
Speech/hearing therapists			
Remedial reading teachers			

Table 18

Noncertificated Staff

What is the rate of compensation for males and/or females for performing the same task?

Position	Salary Base or Range	Average Salary	
		Male	Female
Custodial supervisors			
Custodians			
Director of food service			
Food service personnel			
Transportation supervisors			
Bus drivers			
Playground supervisors			
Instructional aides			
Library aides			
Security			

86.55 Job Classification and Structure

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in 86.61.

Step One

Identify sources of information related to job classification, lines of progression, seniority lists, career ladders and tenure systems.

Step Two

Are any jobs classified as being only for males or only for females? ☐ Yes ☐ No

Do any lines of progression, seniority systems, career ladders or tenure systems exist separately on the basis of sex? ☐ Yes ☐ No

Table 19

What is the rate of compensation for males and/or females for performing the same task?

	Position	Salary Base or Range*	Average Salary	
			Male	Female
High School	Club advisors			
	Music directors			
	Drama coaches			
	Publications advisors			
Junior High/Middle School	Club advisors			
	Music directors			
	Drama coaches			
Elementary	Safety patrol advisors			
	Club advisors			

* Valid factors for calculation of salary for supplemental contracts include length of season or activity, number of practices, number of public performances, amount of practice time while school is out, number of students responsible for, number of assistants, amount of released time during the teaching day and set-up/tear-down time.

Factors which are questionable if they result in salary inequities between males and females are community pressure, technicality of the activity, and experience of the coach/director.

Step Three

If either question in Step Two has been answered with a "yes," is the separation legitimate as a *bona-fide* occupational qualification as defined in 86.61? ☐ Yes ☐ No

Step Four

If job classification or separate lines of progression, seniority lists, career ladders or tenure systems are maintained on the basis of sex and are not *bona-fide* occupational qualifications, what specific action steps are planned to remove the duality based on sex?

86.56 Fringe Benefits

(a) ***"Fringe Benefits" defined.*** *For purposes of this part, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of 86.54.*

(b) ***Prohibitions.*** *A recipient shall not:*

1. Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

2. Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or

3. Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex of which otherwise discriminates in benefits on the basis of sex.

Step One

Identify sources of information regarding policy and practice related to all fringe benefits for all employees.

Step Two

Are the guidelines for optional and compulsory retirement the same for all employees? ☐ Yes ☐ No

Using Table 20, are there any discrepancies between the fringe benefits available to employees or their dependents on the basis of sex?

The following questions may help you complete Table 20:

Medical and hospital:

Does single coverage include maternity benefits for females regardless of their marital status?
Is the coverage available the same for males and females in the same job classifications?
Is there a head-of-household designation? If so, which sex?
Is the same coverage available to female employees that wives of male employees have?

Life, accident and dental:

Is the same coverage extended to males and females in the same job classifications?

Annuity:

Are options identical for males and females in the same job classifications?

Retirement:

Is the amount paid in by employer/employee the same for males and females in the same job classification *or* are the benefits, including disability, the same for males and females in the same job categories?

Leaves of Absence:

Can males and females in the same job categories use their sick leave and personal leave for the same kinds of purposes?
Do they both have similar opportunities to attend professional meetings?
If parental leave is available for females, is it also an option for males?
Is pregnancy treated just like any other temporary disability?

Table 20 (next page)

Step Three

On the basis of information reported on Table 20, are there any discrepancies between your policies or practices and regulation 86.56?

Table 20

Are the following fringe benefits available and administered to all employees of the same classification or their dependents in the same amount or condition?

Fringe Benefit	Yes	No
Medical insurance		
Life insurance		
Hospital insurance		
Accident insurance		
Dental insurance		
Retirement benefits		
Annuity benefits		
Leaves of absence		
Other		

Step Four

What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.56?

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86.57 Marital or Parental Status

*(a) **General.** A recipient shall not apply any policy or take any employment action:*
1. Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or
2. Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

*(b) **Pregnancy.** A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.*

*(c) **Pregnancy as a temporary disability.** A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.*

(d) ***Pregnancy leave.*** *In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without the decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.*

Step One
Identify all sources of information related to policies and practices regarding the marital, pregnancy and parental status of applicants or employees.

Step Two
Using Table 21 and the following questions, determine how policies and practices regarding the marital, pregnancy and parental status are applied to applicants and employees.

Table 21

Data requested from applicants/employees	Male		Female	
	Yes	No	Yes	No
Potential marital status				
Potential parental status				
Family status				
Head of household status				
Principal wage earner				
Pregnancy				

All answers in Table 21 should be *no* for compliance.

Do you have a policy regarding the hiring of pregnant women? ☐ Yes ☐ No

If yes, state the policy.

Have any employees been released by the district (non-voluntarily) for a pregnancy related reason? ☐ Yes ☐ No

Do you have a policy regarding:

1. Pregnancy as a temporary disability ☐ Yes ☐ No
2. Pregnancy or maternity leave without pay (parental leave) ☐ Yes ☐ No

Step Three
On the basis of the information above, are there any discrepancies between your policies and practices and regulation 86.57?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.57?

86.58 Effect of State or Local Law or Other Requirements.

(a) ***Prohibitory requirements.*** *The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.*

(b) ***Benefits.*** *A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.*

Step One
Identify sources of information regarding any State or local law or other requirement which are prohibitory on the basis of sex and information regarding any differential compensation, service or benefit provided on the basis of sex.

Step Two
Do any laws or other requirements exist that impose differential prohibitions on the basis of sex in the district? ☐ Yes ☐ No

Are any compensations, services or benefits given differentially on the basis of sex in the district? ☐ Yes ☐ No

Step Three
If either question in Step Two has been answered with a "yes," what specific action steps are planned to remove the differential treatment based on sex?

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86.59 Advertising

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide *occupational qualification for the particular job in question.*

Step One
Identify sources of information regarding advertising related to employment in the district.

Step Two
Do any aspects of district advertising indicate a preference, limitation, specification or discrimination on the basis of sex for any job? ☐ Yes ☐ No

Step Three
If the response to Step Two is "yes," is the differential a *bona-fide* occupational qualification for the particular job in question? ☐ Yes ☐ No

Step Four
For any advertising that is differential on the basis of sex and is not a *bona-fide* occupational qualification, what specific action steps are planned to comply with regulation 86.59?

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86.60 Pre-employment Inquiries

(a) ***Marital status.*** *A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."*

(b) ***Sex.*** *A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.*

Step One
Identify sources of information regarding questions related to marital status and sex in pre-employment inquiries.

Step Two
Do any pre-employment inquiries include a category related to an applicant's marital status? ☐ Yes ☐ No

Do any pre-employment inquiries include a category related to an applicant's sex? ☐ Yes ☐ No

If you inquire about the applicant's sex, do you ask this of all applicants? ☐ Yes ☐ No

Step Three
For any pre-employment inquiries that include an inquiry related to an applicant's marital status or sex, what specific action steps are planned to comply with the regulation?

Miscellaneous

86.33 Comparable facilities

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

Step One
Identify sources of information concerning policies and practices related to toilet, locker and dressing rooms and shower facilities.

Step Two
Using Table 1, gather data on the comparability of facilties.

Table 1

Facility	Available to:		Not Available
	Male	Female	
Individual shower stalls			
Individual dressing stalls			
Hair driers			
Lounge area with couch and/or chairs			
Individual lockers			

Step Three
On the basis of the responses to Table 1, what, if any, data indicate a discrepancy between district practices and regulation 86.33?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.33?

86.35 Access to schools operated by L.E.A.'s

A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

(a) Any institution of vocational education operated by such recipient; or

(b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

Step One
Identify all sources of information concerning policies and practices related to student access to schools operated by your school system.

Step Two
(1) Are any students, on the basis of sex, excluded from admission to an institution of vocational education operated by your school system? ☐ Yes ☐ No

(2) If your school system maintains a separate special education school/unit or separate schools/units in an academic subject area, are any students, on the basis of sex, excluded from admission to these schools/units? ☐ Yes ☐ No

If the response to question (2) is "yes," does your school system provide courses, services and facilities comparable to each course, service and facility offered in or through the school in accordance to the same policies and criteria of admission for the excluded persons? ☐ Yes ☐ No

Step Three
Are there any discrepancies between school system practices and regulation 86.35 on the basis of your responses in Step Two?

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.35?

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86.37 Financial assistance

*(a) **General.** Except as provided in paragraphs (b), (c) and (d) of this section, in providing financial assistance to any of its students, a recipient shall not:*
(1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate;
(2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or
(3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

*(b) **Financial aid established by certain legal instruments.** (1) a recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; **Provided,** that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.*
(2) To ensure nondiscriminatory awards of assistance as required in subparagraph (b-1) of this paragraph, recipients shall develop and use procedures under which:
(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;
(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under subparagraph (b-2,i) of this paragraph; and
(iii) No student is denied the award for which he or she was selected under subparagraph (b-2,i) of this paragraph because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

Step One
Identify the sources of information related to policies, procedures, tests and/or criteria used for financial assistance.

Step Two
Using Tables 2 and 3, gather data on financial assistance.

Table 2

Are criteria and practices related to financial assistance applied equally to all students?

	Number of students eligible for financial assistance		Criteria (e.g. cut-off scores) for financial assistance		Number of students receiving financial assistance from an outside source through auspices of the school		Number of students who are married or parents & applied for financial aid		Number of students who are married or parents & were awarded financial aid	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
197_ - 7_										
197_ - 7_										

Table 3

	Number of students who have received financial aid from private sources but administered by the school.		Number of students eligible for financial assistance who did not receive it.	
	Male	Female	Male	Female
197_ - 7_				
197_ - 7_				

Step Three
On the basis of data reported in each table, what responses indicate a discrepancy between district practices and regulation 86.37? (Note: Ways to equalize the financial aid picture, particularly where financial aid comes from sources outside the school, are given in sections 86.37 (b-2,i) through 86.37 (b-2,iii).)

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into complaince with regulation 86.37?

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86.37 (Continued)

*(c) **Athletic scholarships.** (1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.*
(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and 86.41 of this part.

Step One
Identify the sources of information related to policies, procedures, tests and/or criteria used for administering of financial aid to athletes.

Step Two
Using Table 4, gather data on the granting of awards resulting in athletic scholarships or grants-in-aid.

Table 4

Sport	Number of participants		Number of athletic scholarships, including fee waivers, etc.	
	Male	Female	Male	Female

Step Three
On the basis of data reported in Table 4, what responses (sports) indicate a discrepancy between district practices and the regulation? (Note: the expenditures do not have to be equal, but the opportunity for such assistance must be in proportion to the number of students of each sex participating in interscholastic sports.)

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.37 (c)?

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86.38 Employment assistance to students

*(a) **Assistance by recipient in making available outside employment.** A recipient which assists any agency, organization or person in making employment available to any of its students:*
(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and
(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

*(b) **Employment of students by recipients.** A recipient which employs any of its students shall not do so in a manner which violates Subpart E.*

Step One
Identify the sources of information related to the policies, procedures, tests and/or criteria used for employment assistance to students.

Step Two
Using data from Table 5, determine the percentage of eligible males and females who have been employed through the school. 86.38 (a-1) ____ Male ____ Female

Do all employers have affirmative action policies that are on file and being implemented? ☐ Yes ☐ No
If you checked *no*, list those who do not. 86.38 (a-2)

Table 5

Are the policies, procedures, tests and/or criteria for employment assistance applied equally to all students?

Program	Grade	Number of students eligible for employment		Number of eligible students employed	
		Male	Female	Male	Female
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				
	9				
	10				
	11				
	12				

Step Three
On the basis of data reported in Step Two, there is a discrepancy between the number of eligible males and females employed when employment of one sex by numbers exceeds the other plus or minus 15%. Also, if you answered *no* on working with employers who do not have affirmative action plans, you are in violation of the regulations.

Step Four
What specific steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.38?

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86.40 Marital or parental status

(a) ***Status generally.*** *A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.*

(b) ***Pregnancy and related conditions.*** (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity of all students for other physical or emotional conditions requiring the attention of a physician.
(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b-1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.
(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.
(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

Step One
Identify the sources of information related to policies, procedures and/or criteria used for the treatment of students on the basis of their marital or parental status.

Step Two
Using Table 6, determine if these policies, procedures and/or criteria applied equally to students.

Table 6 (next page)

Step Three
(1) Is there a discrepancy between males and females in classrooms and/or extracurricular activities? ☐ Yes ☐ No

(2) Is there a discrepancy between physician's statements for pregnant students and other students with temporary disabilities? ☐ Yes ☐ No

(3) Is a separate programming for pregnant students comparable to the regular programming? ☐ Yes ☐ No

(4) Is separate programming voluntary for pregnant students? ☐ Yes ☐ No

(5) Is pregnancy treated like other temporary disabilities with respect to medical or hospital benefit, service, plan or policy? ☐ Yes ☐ No

(6) If leave periods are not maintained, is childbirth and recovery therefrom a justification for a prolonged absence? ☐ Yes ☐ No

Answers to the first two questions are no; the others, yes. If you answer otherwise, then a discrepancy exists between district practices and regulation 86.40.

Step Four
What specific action steps are planned to remove the discrepancies, if any, to bring the district into compliance with regulation 86.40?

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Table 6

	Number of students excluded from regular classroom on basis of actual or potential parental, family or marital status		Number of students excluded from extra-curricular activities on the basis of actual or potential family or marital status		Number of pregnant students required to have a physician's statement certifying their physical & emotional conditions	Number of students, who are under a physician's care, required to have a statement certifying their physical & emotional conditions		Does the district provide separate programming for pregnant students?	If so, are these programs equal? Are they voluntary?
	Male	Female	Male	Female		Male	Female		
197_ - 7_									
197_ - 7_									